

Montana Water Court  
PO Box 1389  
Bozeman, MT 59771-1389  
1-800-624-3270  
(406) 586-4364  
watercourt@mt.gov

**FILED**  
05/02/2023  
Sara Calkins  
CLERK  
Montana Water Court  
STATE OF MONTANA  
By: D'Ann CIGLER  
40A-0618-R-2023  
Lockman, Melissa  
2.00

IN THE WATER COURT OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
MUSSELSHELL RIVER ABOVE ROUNDUP (BASIN 40A)  
PRELIMINARY DECREE

\*\*\*\*\*

CLAIMANT: Heiken Farms Inc.

**CASE 40A-0618-R-2023**

40A 48645-00  
40A 167297-00  
40A 167298-00  
40A 167299-00  
40A 167300-00

**NOTICE OF FILING OF MASTER'S REPORT**

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

## MASTER'S REPORT

The above-captioned claims appeared in the Preliminary Decree for the Musselshell River above Roundup (Basin 40A) issued on June 7, 2017. The claims are owned by Heiken Farms Inc. The claims did not receive objections, counterobjections, or notices of intent to appear but did receive issue remarks during the DNRC's claims reexamination. Issue remarks are notations identifying potential legal or factual issues with water rights and the Water Court is required to resolve these potential issues.

### FINDINGS OF FACT

#### **40A 48645-00 and 40A 167297-00**

1. Claim 40A 48645-00 is a sprinkler irrigation claim from Painted Robe Creek. Claim 40A 167297-00 is a sprinkler/flood irrigation claim from Painted Robe Creek.

2. The claims are supplemental, meaning they use the same points of diversion and irrigate the same place of use. Both claims received the following issue remark:

THIS ABSTRACT DOES NOT APPEAR TO REFLECT PRE-1973 WATER USE. RATHER, IT REFLECTS POST-1973 CHANGES THAT WERE MADE TO THE WATER RIGHT. DNRC IS UNABLE TO DETERMINE WHAT THE PRE-1973 POINT OF DIVERISION, MEANS OF DIVERSION, PLACE OF USE, OR MAXIMUM ACRES ARE.

3. On September 9, 1983, the DNRC approved Claimant's change authorization for claims 40A 48645-00 and 40A 167297-00. The DNRC approved the following changes:

POINT OF DIVERSION: NWSESE SEC. 9, T5N, R22E, GOLDEN VALLEY COUNTY  
SWSWNE SEC. 10, T5N, R22E, GOLDEN VALLEY COUNTY  
NWNWSW SEC. 10, T5N, R22E, GOLDEN VALLEY COUNTY

USE: IRRIGATION

**\*\*CHANGE APPROVED:**

THE DEPARTMENT HEREBY AUTHORIZES THE CHANGE OF THE WATER RIGHT AS FOLLOWS:  
TO CHANGE THE POINTS OF DIVERSION AND PLACE OF USE OF A PORTION OF THE ABOVE WATER RIGHTS.

NEW POINTS OF DIVERSION: SWSWNE SEC. 10, T5N, R22E, GOLDEN VALLEY COUNTY  
NWNWSW SEC. 10, T5N, R22E, GOLDEN VALLEY COUNTY

NEW PLACES OF USE: 43.75 ACRES, NE SEC. 10, T5N, R22E, GOLDEN VALLEY COUNTY  
38.75 ACRES, SE SEC. 10, T5N, R22E, GOLDEN VALLEY COUNTY  
46.25 ACRES, NE SEC. 9, T5N, R22E, GOLDEN VALLEY COUNTY  
30.00 ACRES, SE SEC. 9, T5N, R22E, GOLDEN VALLEY COUNTY  
FOR IRRIGATION ON A TOTAL OF 158.75 ACRES

4. The historical place of use covered 161.10 acres as follows:

100.6 Acres	NW 1/4	Section 10	Twp. 5	NS, Rge. 22 EW	Golden Valley	County
40.9 Acres	NE 1/4	Section 10	Twp. 5	NS, Rge. 22 EW	Golden Valley	County
19.4 Acres	SE 1/4	Section 9	Twp. 5	NS, Rge. 22 EW	Golden Valley	County

Remarks:

5. Claims 40A 48645-00 and 40A 167297-00 appeared in the Basin 40A Temporary Preliminary Decree with the following information remark:

**REMARKS: FILE REFLECTS AUTHORIZATION TO CHANGE POINT OF DIVERSION & PLACE OF USE COMPLETED 9-13-83.**

6. The abstracts decreed by the Court should not have been modified to reflect the change authorization. The Water Court does not process DNRC change applications, nor does it incorporate post-1973 changes into the claim abstracts at this point in proceedings. The points of diversion and places of use for claims 40A 48645-00 and 40A 167297-00 should be restored to reflect the historical use of the claims. The post-1973 points of diversion and places of use will be incorporated into the Basin 40A Final Decree.

#### **40A 167298-00**

7. Claim 40A 167298-00 appeared in the Basin 40A Preliminary Decree as a claim for stock drinking from a reservoir on Painted Robe Creek in the NESESE of Section 9, T5N, R22E, Golden Valley.

8. During its reexamination of the claim, the DNRC modified the point of diversion and place of use from the SESE of Section 9 to the NESESE of Section 9.

9. The place of use was decreed as the S2SE of Section 9, T5N, R22E, Golden Valley.

10. The claim received the following issue remark:

**THE PLACE OF USE APPEARS TO BE INCORRECT. THE PLACE OF USE APPEARS TO BE IN THE SESE SEC 9 TWP 5N RGE 22E GOLDEN VALLEY CO.**

11. The Court ordered Claimant to file evidence describing the historically accurate place of use if they did not agree with the DNRC's proposed correction to the place of use. Nothing was filed by the deadline.

#### **Notice-Type Issue Remarks**

12. The claims received notice-type issue remarks as follows:

*40A 48645-00, 40A 167297-00*

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

40A 167298-00

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

POINT OF DIVERSION, MEANS OF DIVERSION, AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

40A 167299-00, 40A 167300-00

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

MEANS OF DIVERSION AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

13. The issue remarks identify elements modified as a result of DNRC review pursuant to Montana Water Court reexamination orders. The remarks indicate that if no objections are filed, the elements of the claim will remain as they appear on the abstract and the remarks will be removed. None of the claims received objections.

PRINCIPLES OF LAW

1. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA; Rule 10, W.R.Adj.R.
2. Prima facie proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R.
3. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.
4. If prima facie status is overcome, the burden shifts back to the claimant to demonstrate historical use. *79 Ranch v. Pitsch*, 204 Mont. 426, 432-33, 666 P.2d 215, 218 (1983).
5. Section 85-2-248(2), MCA, requires that the Water Court resolve all issue remarks that are not resolved through the objection process. *See also* Rule 7, W.R.Adj.R.

6. The Water Court may use information submitted by the DNRC, the Statement of Claim, and any other data obtained by the Court to evaluate a water right. Sections 85-2-227, -231(2), MCA.

7. When resolving issue remarks, the Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water right. Section 85-2-247(2), MCA. The factual evidence on which an issue remark is based must meet the preponderance of evidence standard before the prima facie status of a claim is overcome. 43Q 200996-00 et al., Order Establishing Volume and Order Closing Case, at 18, June 8, 2015.

### CONCLUSIONS OF LAW

#### **40A 48645-00 and 40A 167297-00**

1. The pre-1973 issue remark overcomes the prima facie status of claim 40A 48645-00. The point of diversion and place of use should reflect the pre-1973 use of the claim.

#### **40A 167298-00**

2. The place of use issue remark overcomes the prima facie status of claim 40A 167298-00. The evidence shows by a preponderance of the evidence that the place of use is in the SESE of Section 9, T5N, R22E, Golden Valley.

#### **Notice-Type Issue Remarks**

3. Each remark in Finding of Fact No. 12 provides notice of the changes made after completion of the Temporary Preliminary Decree proceedings and prior to issuance of the Preliminary Decree. The remarks do not raise unresolved issues that need to be addressed. No proceedings are required to resolve the remarks.

### RECOMMENDATIONS

1. The elements of claims 40A 48645-00 and 40A 167297-00 should be restored to their pre-1973 values.

2. The place of use for claim 40A 167298-00 should be corrected to the SESE of Section 9, T5N, R22E, Golden Valley.

3. The issue remarks should be removed from the claim abstracts.

A post decree abstract of each water right claim reflecting the recommended changes is attached to this Report.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service via USPS Mail**

Heiken Farms Inc  
% Gary Heiken  
PO Box 13  
Broadview, MT 59015  
406-670-0561 C  
406-667-2250 H



**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**MUSSELSHELL RIVER, ABOVE ROUNDUP**  
**BASIN 40A**

**Water Right Number:** 40A 48645-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** HEIKEN FARMS INC  
%GARY HEIKEN  
PO BOX 13  
BROADVIEW, MT 59015 0013

**Priority Date:** JUNE 30, 1957

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER

**Flow Rate:** 2.50 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 161.10

**Source Name:** PAINTED ROBE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWNE	10	5N	22E	GOLDEN VALLEY
<b>Period of Diversion:</b>	APRIL 1 TO OCTOBER 31					
<b>Diversion Means:</b>	PUMP					
2		NWNWSW	10	5N	22E	GOLDEN VALLEY
<b>Period of Diversion:</b>	APRIL 1 TO OCTOBER 31					
<b>Diversion Means:</b>	PUMP					
3		NWSESE	9	5N	22E	GOLDEN VALLEY
<b>Period of Diversion:</b>	APRIL 1 TO OCTOBER 31					
<b>Diversion Means:</b>	PUMP					

**Period of Use:** APRIL 1 TO OCTOBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	40.90		NE	10	5N	22E	GOLDEN VALLEY
2	19.60		SE	9	5N	22E	GOLDEN VALLEY
3	100.60		NW	10	5N	22E	GOLDEN VALLEY
<b>Total:</b>	161.10						

**Remarks:**



THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

48645-00

167297-00

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**MUSSELSHELL RIVER, ABOVE ROUNDUP**  
**BASIN 40A**

**Water Right Number:** 40A 167297-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** HEIKEN FARMS INC  
%GARY HEIKEN  
PO BOX 13  
BROADVIEW, MT 59015 0013

**Priority Date:** JUNE 30, 1957

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** SPRINKLER/FLOOD

**Flow Rate:** 6.11 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 161.10

**Source Name:** PAINTED ROBE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWNE	10	5N	22E	GOLDEN VALLEY
<b>Period of Diversion:</b>	APRIL 1 TO OCTOBER 31					
<b>Diversion Means:</b>	PUMP					
2		NWNWSW	10	5N	22E	GOLDEN VALLEY
<b>Period of Diversion:</b>	APRIL 1 TO OCTOBER 31					
<b>Diversion Means:</b>	PUMP					
3		NWSESE	9	5N	22E	GOLDEN VALLEY
<b>Period of Diversion:</b>	APRIL 1 TO OCTOBER 31					
<b>Diversion Means:</b>	PUMP					

**Period of Use:** APRIL 1 TO OCTOBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	40.90		NE	10	5N	22E	GOLDEN VALLEY
2	19.60		SE	9	5N	22E	GOLDEN VALLEY
3	100.60		NW	10	5N	22E	GOLDEN VALLEY
<b>Total:</b>	161.10						

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

48645-00

167297-00

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**MUSSELSHELL RIVER, ABOVE ROUNDUP**  
**BASIN 40A**

**Water Right Number:** 40A 167298-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** HEIKEN FARMS INC  
%GARY HEIKEN  
PO BOX 13  
BROADVIEW, MT 59015 0013

**Priority Date:** JULY 5, 1938

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** PAINTED ROBE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESESE	9	5N	22E	GOLDEN VALLEY

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NESESE	9	5N	22E	GOLDEN VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 11.00 FEET

**Depth:** 8.00 FEET

**Surface Area:** 8.40 ACRES

**Capacity:** 26.88 ACRE-FEET

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SESE	9	5N	22E	GOLDEN VALLEY

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**MUSSELSHELL RIVER, ABOVE ROUNDUP**  
**BASIN 40A**

**Water Right Number:** 40A 167299-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** HEIKEN FARMS INC  
%GARY HEIKEN  
PO BOX 13  
BROADVIEW, MT 59015 0013

**Priority Date:** JULY 21, 1948

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** PAINTED ROBE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWSW	10	5N	22E	GOLDEN VALLEY

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNWSW	10	5N	22E	GOLDEN VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 13.00 FEET

**Depth:** 10.00 FEET

**Surface Area:** 23.70 ACRES

**Capacity:** 94.80 ACRE-FEET

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			E2SE	9	5N	22E	GOLDEN VALLEY
2			W2SW	10	5N	22E	GOLDEN VALLEY

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**MUSSELSHELL RIVER, ABOVE ROUNDUP**  
**BASIN 40A**

**Water Right Number:** 40A 167300-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** HEIKEN FARMS INC  
%GARY HEIKEN  
PO BOX 13  
BROADVIEW, MT 59015 0013

**Priority Date:** DECEMBER 1, 1963

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** PAINTED ROBE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESENW	10	5N	22E	GOLDEN VALLEY

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESENW	10	5N	22E	GOLDEN VALLEY

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 11.00 FEET

**Depth:** 8.00 FEET

**Surface Area:** 7.70 ACRES

**Capacity:** 24.64 ACRE-FEET

THE DAM EXTENDS INTO THE SWSENW SEC 10 TWP 5N RGE 22E GOLDEN VALLEY COUNTY.

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENW	10	5N	22E	GOLDEN VALLEY
2			NESW	10	5N	22E	GOLDEN VALLEY